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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS, JOHN BONILLA, in their  
respective capacities as Trustees of the  
OPERATING ENGINEERS HEALTH AND  
WELFARE TRUST FUND, PENSION FUND  
FOR OPERATING ENGINEERS,  
PENSIONED OPERATING ENGINEERS  
HEALTH AND WELFARE FUND,  
OPERATING ENGINEERS VACATION  
AND HOLIDAY TRUST FUND,  
NORTHERN CALIFORNIA  
PREAPPRENTICE, APPRENTICE AND  
JOURNEYMAN AFFIRMATIVE ACTION  
TRAINING FUND, OPERATING  
ENGINEERS CONTRACT  
ADMINISTRATION FUND FOR  
NORTHERN CALIFORNIA, OPERATING  
ENGINEERS INDUSTRY STABILIZATION  
TRUST FUND AND OPERATING  
ENGINEERS MARKET PRESERVATION  
TRUST FUND,

Plaintiffs,

v.

STATEWIDE CONCRETE BARRIER, INC.,  
a California corporation; and CHARLES  
WELLS, an Individual,

Defendants.

Case No. C-04-2559 JSW (MEJ)

~~PROPOSED~~ ORDER TO SHOW CAUSE  
AND ORDER CONTINUING BRIEFING  
ON MOTION FOR DEFAULT JUDGMENT


Fed. R. Civ. Pro., Rule 70

Having issued herein on September 20, 2005, its Order Adopting Report And  
Recommendation Re Plaintiffs' Motion For Default Judgment and including therein its judgment  
granting Plaintiffs an injunction requiring defendants to submit to an audit of the appropriate trust  
fund records so that Plaintiffs may ascertain the total amount of contributions owed; having found

1 that plaintiffs have served said order on defendants and that defendants have willfully failed to  
2 honor the Court's order, THE COURT HEREBY ORDERS DEFENDANTS no later than -  
3 August 4, 2006, to file in this Court and to serve on Plaintiffs their response to this  
4 Order and TO SHOW CAUSE why they should not be held in contempt of court and why an order  
5 should not issue to the United States Marshal Service, or to its delegee, to take possession of and  
6 seize defendants' business records and present them to plaintiffs' auditor for examination.  
7 Plaintiffs will then have until August 18, 2006, to reply; HEARING on this Order To Show  
8 Cause will then be held on September 1, 2006, at United States District Court, 450 Golden State  
9 Avenue, San Francisco, California, on the 17<sup>th</sup> Floor, in courtroom 2.

10 The Court further orders that a further continuance shall be granted to Plaintiffs until  
11 September 25, 2006, or until such audit has been completed, to file either their supplementary  
12 brief on the amount of damages to be awarded or to file an amended complaint for any damages  
13 that may exceed that claimed in the original complaint.

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15 DATED: July 14, 2006  
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17 THE HONORABLE JEFFREY S. WHITE  
18 UNITED STATES DISTRICT JUDGE  
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